IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 24739 of 2006(T)

PETITIONER:

K.J.CYRIAC (RETIRED H.S.A),
KOOTTUMKKAL HOUSE, P.O.PUNNAKKAL,
THIRUVAMPADY VIA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A&E),
KERALA, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

4. THE DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE DISTRICT.

5. THE HEADMASTER,
ST.SEBASTIANS HIGH SCHOOL, PUNNAKKAL P.O.,
VIA.THIRUVAMPADY, KOZHIKODE DISTRICT.

BY ADV. SRI.B.GOPAKUMAR
G.P.SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER OF THE FOURTH RESPONDENT.**
EXT.P2	**TRUE COPY OF THE APPOINTMENT ORDER OF THE FOURTH RESPONDENT.**
EXT.P3	**TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE THIRD RESPONDENT.**
EXT.P4	**TRUE COPY OF THE LETTER BY THE THIRD RESPONDENT TO THE SECOND RESPONDENT DATED 23-11-2005.**
EXT.P5	**TRUE COPY OF THE ORDER OF THE SECOND RESPONDENT.**
EXT.P6	**TRUE COPY OF THE COMMUTATION PAYMENT ORDER.**
EXT.P7	**TRUE COPY OF THE LETTER BY THE SECOND RESPONDENT TO THE THIRD RESPONDENT.**
EXT.P8	**TRUE COPY OF THE REPRESENTATION FILED BEFORE THE THIRD RESPONDENT DATED 26-10-06.**
EXT.P9	**PHOTOCOPIES OF BOTH SIDE OF THE COVER WIT ACKNOWLEDGMENT CARD, RETURNED TO THE SENDER.**
EXT.P10	**TRUE COPY OF THE LETTER OF THE THIRD RESPONDENT TO THE PETITIONER.**

RESPONDENT'S EXHIBITS

EXT.R5	**TRUE COPY OF OFFICE COPY OF L.P.C. WITH COVERING LETTER**
EXT.R5(A)	**TRUE COPY OF LETTER OF THE DY.DIRECTOR NO.E62601/06 DTD. 23-11-05 TO THE ACCOUNTANT GENERAL**
EXT.R5(B)	**TRUE COPY OF SANCTION OF PAY FIXATION BY A.G.**
EXT.R5(C)	**TRUE COPY OF FORM OF OPTION BY PETITIONER IN W.P.**
EXT.R5(D)	**TRUE COPY OF STATEMENT OF FIXATION OF PAY IN THE REVISED PAY SCALE BY K.DIS.A3-2094/06.**
EXT.R5(E)	**TRUE COPY OF EXPLANATION BY CLERK OF THE SCHOOL.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.C.No.24739 OF 2006

Dated this the 23rd day of November,2006.

JUDGMENT

The case of the petitioner is as follows. He retired from service on 31-05-2006 as H.S.A. Malayalam from St.Sebastian's High School, Punnakkal. He has got 27 years of qualifying service. According to him fifth respondent, Headmaster of the school is having antagonism towards him. Whatever that be, case of the petitioner is that only on account of the non-issuance of NLC and LPC, pensionary benefits are not being disbursed to him. A direction is sought to the respondents to disburse the pensionary benefits and also to respondents 3, 4 and 5 to issue the NLC and LPS of the petitioner.

2. In the counter affidavit, the case of the respondent is that in fact the fifth respondent has issued the NLC and LPC of the petitioner. It is produced as Ext.R5. Ext.R5 is the true photocopy of the NLC and LPC. Of course, the fifth respondent has a case that it was issued to the petitioner much earlier and he relies also on Ext.R5(e).

3. Learned Government Pleader submits that this court can direct the authorities concerned to act on the basis of the NLC and LPC produced along with the counter affidavit of the fifth respondent and thereupon pensionary benefits can be given to the petitioner.

4. In such circumstances, the writ petition is disposed of directing the petitioner to produce Ext.R5 which contain the NLC and LPC of the petitioner before the third respondent and also before the Treasury Officer. On receipt of the same, pensionary benefits due to the petitioner shall be disbursed without any further delay.

Writ petition is disposed of as above.

K.M.JOSEPH.
JUDGE.

sv.